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4 Chief Assistant Attorney General
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19 Attorneys for Respondent

20
21 IN THE UNITED STATES DISTRICT COURT
22
23 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

24
25 CLARKE SHELDON LOWE,
26 Petitioner,
27 v.
28 JAMES E. TILTON, Secretary, California
Department of Corrections and Rehabilitation,
Respondent.

07CV 2232 LAB (CAB)

MOTION FOR AN
ENLARGEMENT OF TIME TO
FILE RESPONDENT'S MOTION
TO DISMISS OR ANSWER

29
30 Respondent respectfully requests a 30-day enlargement of time to file Respondent's
31 motion to dismiss or answer in the above-entitled matter. The motion to dismiss is due on February
32 21, 2008, and the answer is due on March 4, 2008. This is Respondent's second request for an
33 enlargement of time in this matter. It is based upon the following declaration:

34
35 I, SABRINA Y. LANE-ERWIN, declare under penalty of perjury under the laws of the
36 United States of America that the following is true and correct:

- 37
38 1. I am the Deputy Attorney General assigned to handle all pleadings in the above-entitled
matter.
- 39
40 2. Since I returned to my office on January 14, 2008, after being off of work since

1 December 27, 2007, following surgery, I have completed several cases that were assigned to me
2 before this case, including: *People v. Frias* (G038263), *People v. Hekmat* (G038171), and *People*
3 *v. Wooley* (D050459). Today I will finish my draft of a petition for rehearing (*People v. Delgado*
4 (G037932) that I must have reviewed, processed and filed by February 19, 2008. I have also
5 prepared for a federal court hearing on a death penalty case scheduled for February 15, 2008, in
6 *Mayfield v. Ayers* (CV 97-3742-AHS). I am currently working on an issue that unexpectedly arose
7 in that case. In my first request for an enlargement of time I stated that I planned to turn my attention
8 to this case after the hearing in *Mayfield*. That is still my intent. Thus, I do not expect that I will
9 require any further enlargements of time. For the foregoing reasons, I am requesting a 30-day
10 enlargement of time.

11 Dated: February 13, 2008, San Diego, California.

12 Respectfully submitted,

13 EDMUND G. BROWN, JR.
Attorney General of the State of California

14 DANE R. GILLETTE
Chief Assistant Attorney General

15 GARY W. SCHONS
Senior Assistant Attorney General

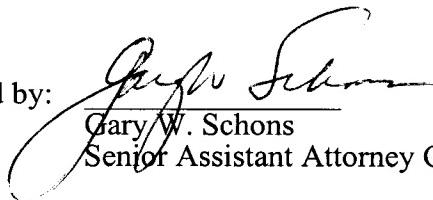
16 BARRY CARLTON
Supervising Deputy Attorney General



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18
19 SABRINA Y. LANE-ERWIN
20 Deputy Attorney General

21 Attorneys for Respondent

22 Approved by:

A handwritten signature in black ink, appearing to read "Gary W. Schons". It is written in a cursive style with a large, flowing "G" at the beginning.

23 Gary W. Schons

24 Senior Assistant Attorney General

25 SYL-E:kw
26 SD2007701166

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DECLARATION OF SERVICE BY U.S. MAIL

2 Case Name: Lowe v. Tilton No.: **07cv2232**

No.: 07cv2232

3 | I declare:

4 I am employed in the Office of the Attorney General, which is the office of a member of the
5 California State Bar at which member's direction this service is made. I am 18 years of age or older
6 and not a party to this matter. I am familiar with the business practice at the Office of the Attorney
7 General for collection and processing of correspondence for mailing with the United States Postal
Service. In accordance with that practice, correspondence placed in the internal mail collection
system at the Office of the Attorney General is deposited with the United States Postal Service that
same day in the ordinary course of business.

8 On February 15, 2008, I served the attached **motion for an enlargement of time to file**
9 **respondent's motion to dismiss or answer and proposed order granting enlargement of time**
10 by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in
the internal mail collection system at the Office of the Attorney General at 110 West "A" Street,
Suite 1100, San Diego, California 92101, addressed as follows:

**John Lanahan
550 West C Street #1670
San Diego CA 92101-8557**

14 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 15, 2008, at San Diego, California.

Kimberly Wickenhagen

Declarant

Signature

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